TOWNSEND

and

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and

LLP

CREW

10/516399 Denver, Color Tel 303 571-4. PCT/PTO 30 NOV 2004 San Francisco

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5 January 2004

VIA EXPRESS MAIL, WITH RETURN POSTCARD ENCLOSED

PCT International Application Processing Div. USPTO International Division
Assistant Commissioner for Patents
Mail Stop PCT
PO Box 1450
Alexandria, VA 22313-1450

Re:

International Application No. PCT/US03/17825

Title: METHODS OF DIAGNOSING AND TREATING DIABETES AND INSULIN RESISTANCE

Applicant: METABOLEX, INC. International Filing Date: 04 June 2003 Express Mail Label No.: EV 332 022 204 US

Date of Mailing: 05 January 2004 Our File No.: 16325-140PC

Dear Officer:

Enclosed is the Chapter II Demand for the above-referenced application. Also enclosed are twelve (12) substitute pages 25, 45, 109, 110, 111, 112, 128, 129, 130, 131, 132 and 133 of the specification submitted as an Article 34 Amendment. The changes to the pages are insertions of SEQ ID:NOs and correction of typographical errors. These changes do not go beyond the disclosure of the application as filed.

Thank you for your attention to this matter.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

Matthew E. Hinsch Reg. No. 47,651

Enclosures:

· Chapter II Demand

Twelve (12) Sub. Specification pages (25,45,109,110 111,112,128,129,130,131,132,133

One hundred and sixty-two (162) pages of Sequence Listing

Diskette and Statement ...

Transmittal Letter

Postcard

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PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

Fo	r International Preliminary E	xamining Authority	use only		
Identification of IPEA		Date of receipt of I	Date of receipt of DEMAND		
Box No. I IDENTIFICATION OF T	THE INTERNATIONAL A	APPLICATION	Applicant's or agent's file reference		
International application No.	International filing date (d	ay/month/year)	16325-140PC (Earliest) Priority date (day/month/year)		
PCT/US03/17825	04 June 2003 (04.06.03)		04 June 2002 (04.06.02)		
Title of invention	<u> </u>		[0 1 0 m 2 0 2 (0 m 0 m 0 m)		
METHODS OF DIAGNOSING AND	TREATING DIABETES	S AND INSULIN I	RESISTANCE		
Box No. II APPLICANT(S)					
Name and address: (Family name followed by	l official designation.	Telephone No.:			
1	postal code and name of country.)	•	510.293.8800		
METABOLEX, INC. 3876 Bay Center Place		Facsimile No.:			
Hayward, CA 94545			510.293.9090		
United States of America	•		Teleprinter No.:		
·					
			Applicant's registration No. with the Office		
State (that is, country) of nationality:	<u> </u>	State (that is, country	y) of residence:		
US		US	· ·		
Name and address: (Family name followed by g			address must include postal code and name of country.)		
ALLAN, Bernard 940 Guerrero Street San Francisco, CA 94110 United States of America			enter and the second of the se		
State (that is, country) of nationality:	State (that is, country	y) of residence:			
IE US					
Name and address: (Family name followed by go	iven name; for a legal entity, full of	Ticial designation. The ad	dress must include postal code and name of country.)		
GREGOIRE, Francine 1044 Carol Lane Lafayette, CA 94549 United States of America					
State (that is, country) of nationality:	. [9	State (that is, country	y) of residence:		
BE		US			
Further applicants are indicated on a	continuation sheet.				

Sheet No. 2

International application No. PCT/US03/17825

Continuation of Box No. II APPLICANT(S)						
If none of the following sub-boxes is used, this sheet should not be included in the demand.						
Name and address: (Family name followed by given name; for a legal entity, fu	ll official designation. The address must include postal code and name of country.)					
LAVAN, Brian						
2020 Lawton Street						
San Francisco, CA 94122						
United States of America						
State (d. 4.1.						
State (that is, country) of nationality:	State (that is, country) of residence:					
GB	US					
Name and address: (Family name followed by given name; for a legal entity, ful	ll official designation. The address must include postal code and name of country.)					
MOODIE, Shonna						
2091 Golden Gate Avenue						
San Francisco, CA 94115						
United States of America						
State (that is, country) of nationality:	State (that is, country) of residence:					
GB	US					
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)						
	""					
WATERS, Steve 1 Lobelia Lane						
San Ramon, CA 94583						
United States of America						
State (that is, country) of nationality:	State (that is, country) of residence:					
US	US					
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)						
,	",					
WONG, Chi-Wai 28073 Thorup Lane						
Hayward, CA 94542						
United States of America						
State (that is, country) of nationality:	State (that is, country) of residence:					
CN	us					
Further applicants are indicated on a continuation sheet.						
Form PCT/IPEA/401 (continuation sheet) (March 2001; reprint January 2003) See Notes to the demand form						



nternational application No.

PCT/US03/17825 Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE The following person is \boxtimes agent common representative and has been appointed earlier and represents the applicant(s) also for international preliminary examination. is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked. is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier. Name and address: (Family name followed by given name; for a legal entity, full official designation. Telephone No.: The address must include postal code and name of country.) 415-576-0200 HINSCH, Matthew E Facsimile No.: TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, 8th Floor 415-576-0300 San Francisco, California 94111-3834 Teleprinter No.: United States of America Agent's registration No. with the Office Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent. BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION Statement concerning amendments:* The applicant wishes the international preliminary examination to start on the basis of: the international application as originally filed the description as originally filed as amended under Article 34 the claims as originally filed as amended under Article 19 (together with any accompanying statement) as amended under Article 34 the drawings as originally filed as amended under Article 34 The applicant wishes any amendment to the claims under Article 19 to be considered as reversed. The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). (This checkbox may be marked only where the time limit under Article 19 has not yet expired.) Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended. Language for the purposes of international preliminary examination: ENGLISH which is the language in which the international application was filed. which is the language of a translation furnished for the purposes of international search. which is the language of publication of the international application. which is the language of the translation (to be) furnished for the purposes of international preliminary examination. **ELECTION OF STATES** Box No. V The applicant hereby elects all eligible States (that is, all States which have been designated and which are bound by Chapter II of excluding the following States which the applicant wishes not to elect:

Sheet No. 4

International application No.
PCT/US03/17825

Box	No. VI CHECK LIST						
The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination: For International Preliminary Examining Authority use only received not received							
1.	translation of international application	:		sheets			
2.	amendments under Article 34	;	12	sheets			
3.	copy (or, where required, translation) of amendments under Article 19	:		sheets			
4.	copy (or, where required, translation) of statement under Article 19	:		sheets			
5.	letter .	:	1	sheets			
6.	other (specify)	:		sheets			
The demand is also accompanied by the item (s) marked below:							
	1. fee calculation sheet 5. statement explaining lack of signature				explaining lack of signature		
	2. original separate signed power of a	ttorney	6. 🛛	sequence li	isting in computer readable form		
	3. original general power of attorney;		7.	tables in co sequence li	omputer readable form related to istings		
	4. Copy of general power of attorney; 8. Other (specify) Transmittal Letter, Postcard, Diskette reference number, if any:						
Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE							
Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).							
x							
Matthew E. Hinsch TOWNSEND AND TOWNSEND AND CREW LLP USPTO Reg. No.: 47,651 Applicants' Agent							
For International Preliminary Examining Authority use only							
1. Date of actual receipt of DEMAND:							
Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):							
3. The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. The applicant has been informed accordingly.							
The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.							
5. Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.							
	For International Bureau use only						
De	Demand received from IPEA on:						

2. Size Differential Filtration

[0085] Based on a calculated molecular weight, a protein of greater and lesser size can be isolated using ultrafiltration through membranes of different pore sizes (for example, Amicon or Millipore membranes). As a first step, the protein mixture is ultrafiltered through a membrane with a pore size that has a lower molecular weight cut-off than the molecular weight of the protein of interest. The retentate of the ultrafiltration is then ultrafiltered against a membrane with a molecular cut off greater than the molecular weight of the protein of interest. The recombinant protein will pass through the membrane into the filtrate. The filtrate can then be chromatographed as described below.

10 3. Column Chromatography

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[0086] The proteins of interest can also be separated from other proteins on the basis of their size, net surface charge, hydrophobicity and affinity for ligands. In addition, antibodies raised against proteins can be conjugated to column matrices and the proteins immunopurified. All of these methods are well known in the art.

15 [0087] Immunoaffinity chromatography using antibodies raised to a variety of affinity tags such as hemagglutinin (HA), FLAG, Xpress, Myc, hexahistidine(SEQ ID NO:113) (His), glutathione S transferase (GST) and the like can be used to purify polypeptides. The His tag will also act as a chelating agent for certain metals (e.g., Ni) and thus the metals can also be used to purify His-containing polypeptides. After purification, the tag is optionally removed by specific proteolytic cleavage.

[0088] It will be apparent to one of skill that chromatographic techniques can be performed at any scale and using equipment from many different manufacturers (e.g., Pharmacia Biotech).

IV. DETECTION OF POLYNUCLEOTIDES OF THE INVENTION

25 [0089] Those of skill in the art will recognize that detection of expression of polynucleotides and polypeptides of the invention has many uses. For example, as discussed herein, detection of levels of polynucleotides and polypeptides of the invention in a patient is useful for diagnosing diabetes or a predisposition for at least some of the pathological effects of diabetes. Moreover, detection of gene expression is useful to identify modulators of expression of polynucleotides and polypeptides of the invention.

interleukin receptors, immunoglobulin receptors and antibodies, the cadherin family, the integrin family, the selectin family, and the like; see, e.g., Pigott & Power, The Adhesion Molecule Facts Book I (1993)). Similarly, toxins and venoms, viral epitopes, hormones (e.g., opiates, steroids, etc.), intracellular receptors (e.g., which mediate the effects of various small ligands, including steroids, thyroid hormone, retinoids and vitamin D; peptides), drugs, lectins, sugars, nucleic acids (both linear and cyclic polymer configurations), oligosaccharides, proteins, phospholipids and antibodies can all interact with various cell receptors.

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[0165] Synthetic polymers, such as polyurethanes, polyesters, polycarbonates, polyureas, polyamides, polyethyleneimines, polyarylene sulfides, polysiloxanes, polyimides, and polyacetates can also form an appropriate tag or tag binder. Many other tag/tag binder pairs are also useful in assay systems described herein, as would be apparent to one of skill upon review of this disclosure.

[0166] Common linkers such as peptides, polyethers, and the like can also serve as tags, and include polypeptide sequences, such as poly-Gly sequences of between about 5 and 200 amino acids (SEQ ID NO:114). Such flexible linkers are known to those of skill in the art. For example, poly(ethylene glycol) linkers are available from Shearwater Polymers, Inc., Huntsville, Alabama. These linkers optionally have amide linkages, sulfhydryl linkages, or heterofunctional linkages.

20 [0167] Tag binders are fixed to solid substrates using any of a variety of methods currently available. Solid substrates are commonly derivatized or functionalized by exposing all or a portion of the substrate to a chemical reagent that fixes a chemical group to the surface that is reactive with a portion of the tag binder. For example, groups that are suitable for attachment to a longer chain portion would include amines, hydroxyl, thiol, and carboxyl groups.

Aminoalkylsilanes and hydroxyalkylsilanes can be used to functionalize a variety of surfaces, such as glass surfaces. The construction of such solid phase biopolymer arrays is well described in the literature (see, e.g., Merrifield, J. Am. Chem. Soc. 85:2149-2154 (1963) (describing solid phase synthesis of, e.g., peptides); Geysen et al., J. Immun. Meth. 102:259-274 (1987) (describing synthesis of solid phase components on pins); Frank and Doring,

Tetrahedron 44:60316040 (1988) (describing synthesis of various peptide sequences on

cellulose disks); Fodor et al., Science, 251:767-777 (1991); Sheldon et al., Clinical Chemistry, 39(4):718-719 (1993); and Kozal et al., Nature Medicine 2(7):753759 (1996) (all describing

10 SEQ ID NO:66 Rat Taurine Transporter polypeptide sequence

accession:gi8394318

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MATKEKLQCLKDFHKDILKPSPGKSPGTRPEDEADGKPPQREKWSSKIDFVLSVAGGFVGLGNVWRFPYLCYKNG
GGAFLIPYFIFLFGSGLPVFFLEVIIGQYTSEGGITCWEKICPLFSGIGYASIVIVSLLNVYYIVILAWATYYLF
QSFQKDLPWAHCNHSWNTPQCMEDTLRRNESHWVSLSAANFTSPVIEFWERNVLSLSSGIDHPGSLKWDLALCLL
LVWLVCFFCIWKGVRSTGKVVYFTATFPFAMLLVLLVRGLTLPGAGEGIKFYLYPNISRLEDPQVWIDAGTQIFF
SYAICLGAMTSLGSYNKYKYNSYRDCMLLGCLNSGTSFVSGFAIFSILGFMAQEQGVDIADVAESGPGLAFIAYP
KAVTMMPLPTFWSILFFIMLLLLGLDSQFVEVEGQITSLVDLYPSFLRKGYRREIFIAIVCSISYLLGLTMVTEG
GMYVFQLFDYYAASGVCLLWVAFFECFVIAWIYGGDNLYDGIEDMIGYRPGPWMKYSWAVITPALCVGCFIFSLV
KYVPLTYNKVYRYPDWAIGLGWGLALSSMVCIPLVIVILLCRTEGPLRVRIKYLITPREPNRWAVEREGATPFHS
RATLMNGALMKPSHVIVETMM

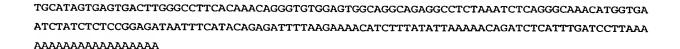
SEQ ID NO:67 Human (R)-3-hydroxybutyrate dehydrogenase nucleotide sequence

HUM222493

accession:NM 004051

CDS:224..1255

GGCACGAGGGCGGAGGCCGCAGGAGTGCTGGTGGAGGGGCTTCCAGAAAGACCCTGCGGCAGCGCCCCCCCTCGGC TCTCCCGCAGGAGAGCGGCACCTGCGCGGGGGCGCCGGGTGAAGGCGAGAGCCTCGGCGAGCCCTCTGCAGCGGAGCCCCCTGC CCTGTCACGGCTCCCAGGAAAAACCCTAAGTGCCTGTGATAGAGAAAATGGAGCAAGACGCCCACTATTGCTTGGTTCTACTT TGGAGAAAGTGGTGGAGATTGTCCGCTCGAGCCTGAAGGACCCTGAGAAAGGCATGTGGGGCCTCGTTAACAATGCCGGCATC TCAACGTTCGGGGAGGTGGAGTTCACCAGCCTGGAGACCTACAAGCAGGTGGCAGAAGTGAACCTTTGGGGCACAGTGCGGAT GACGAAATCCTTTCTCCCCCTCATCCGAAGGGCCAAAGGCCGCGTCGTCAATATCAGCAGCATGCTGGGCCGCATGGCCAACC GAAGATGTGGGAGGAGCTGCCTGAGGTCGTGCGCAAGGACTACGGCAAGAAGTACTTTGATGAAAAGATCGCCAAGATGGAGA CCTACTGCAGCAGTGGCTCCACAGACACGTCCCCTGTCATCGATGCTGTCACACGCCCTGACCGCCACCACCCCCTACACC CGCTACCACCCCATGGACTACTACTGGTGGCTGCGAATGCAGATCATGACCCACTTGCCTGGAGCCATCTCCGACATGATCTA



5 SEQ ID NO:68 Human (R)-3-hydroxybutyrate dehydrogenase polypeptide sequence protein id:gi17738292

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MLATRLSRPLSRLPGKTLSACDRENGARRPLLLGSTSFIPIGRRTYASAAEPVGSKAVLVTGCDSGFGFSLAKHL
HSKGFLVFAGCLMKDKGHDGVKELDSLNSDRLRTVQLNVCSSEEVEKVVEIVRSSLKDPEKGMWGLVNNAGISTF
GEVEFTSLETYKQVAEVNLWGTVRMTKSFLPLIRRAKGRVVNISSMLGRMANPARSPYCITKFGVEAFSDCLRYE
MYPLGVKVSVVEPGNFIAATSLYSPESIQAIAKKMWEELPEVVRKDYGKKYFDEKIAKMETYCSSGSTDTSPVID
AVTHALTATTPYTRYHPMDYYWWLRMOIMTHLPGAISDMIYIR

SEQ ID NO:69 Mouse(R)-3-hydroxybutyrate dehydrogenase nucleotide sequence accession:BC027063

GGACAAAGGTGATGCTGGGGTCAAGGAACTGGACAGCTTGAAGAGTGACCGACTGAGAACCATCCAGCTCAATGT CTGCAACAGTGAAGAGGTGGAGAAGGCGGTGGAGACGATCCGCTCCGGCCTGAAAGATCCTGAGAAGGGAATGTG GGGCCTGGTTAACAACGCAGGCATCTCAACGTTTGGGGAGGTGGAGTTCACCAGCATGGAGACATATAAGGAGGT GGTCGAGGCTTTCTCGGACTGCCTGCGCTATGAGATGCACCCTCTGGGTGTCAAGGTCAGTGTGGTAACCTGG CAACTTCATAGCGGCCACCAGTCTCTACAGCCCCGAGCGCATCCAGGCCATCGCCAAGAAGATGTGGGATGACCT GCCTGAGGTCGTCCGCAAGGACTATGGCAGGAAGTACTTCGATGAAAAGATTGCCAAGATGGAAACCTACTGCAA CAGCGGTTCCACAGATACTTCCTCTGTCATCAACGCTGTCACACACGCCTTGACCGCCGCCACCCCGTATACCCG CTACCATCCCATGGACTACTACTGGTGGCTTCGGATGCAGATCATGACCCATTTTCCTGGAGCCATCTCTGACAA GATCTACATACACTGAAGAGGTCCCTTCGGTCTCCGCCAGGGAACCTGGTGGGAGGAAAGATGA GGGGAGGGAGTTTACCTTTTGATTAGCTATTGAGGATTACCCACTGTCTTAGGAAGACCTATTTTAACCTTACGT CCTCAGGGCCAATATGGTGCTTCTATCTATCTCGAGTTGATTTTATATAAAGATTTGTGGGGAAATATCTTTATA TTAAAAGCAGGTTATTAGAATAGAATCCAAAATCATTTTCCAGCCAAAACATCCATTCGAAATCTGTATCCCATT CGCAGAGGACATACGAGACACCTCTTTCATTGTCCACGGAGTCCCGCCAGTGTTACGGCAAAGGCAAATCACA TTTGTGTCCCACAGACACTTGAACCCATCAGTCCAGTAACCCTGTGACCAACTCTGTACCTTCTCCTGAGCCAGT TCTCTGCTGGCTCCAGGTGGGGGAATCCAGAGACTTTTCAGCTGAGATCTTGGCATTCTCATTAAAGATTCGAGT TAGGTCTGGGTGAAGATGCTGTCCGGCTAAGAGCGCAGCTTGGTTTTGCCTAGGACAGGATTGGTGCTATGCTTG GTGCTGCAAACAGACCAGTGGTGCCAAGGCTGGGCACTGAGACACTTGCCCAGCAATGGGTCTAGATGCCTGTTG

SEQ ID NO:70 Mouse (R)-3-hydroxybutyrate dehydrogenase polypeptide sequence

15 accession:gi20071589

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DKGDAGVKELDSLKSDRLRTIQLNVCNSEEVEKAVETIRSGLKDPEKGMWGLVNNAGISTFGEVEFTSMETYKEV AEVNLWGTVRTTKSFLPLLRRAKGRVVNISSMLGRMANPARSPYCITKFGVEAFSDCLRYEMHPLGVKVSVVEPG NFIAATSLYSPERIQAIAKKMWDDLPEVVRKDYGRKYFDEKIAKMETYCNSGSTDTSSVINAVTHALTAATPYTR YHPMDYYWWLRMQIMTHFPGAISDKIYIH

SEQ ID NO:71 Rat (R)-3-hydroxybutyrate dehydrogenase nucleotide sequence accession:NM 053995

 SEQ ID NO:72 Rat (R)-3-hydroxybutyrate dehydrogenase polypeptide sequence accession:gi16758902

MMLAARLSRPLSQLPGKALSVCDRENGTRHTLLFYPASFSPDTRRTYTSQADAASGKAVLVTGCDSGFGFSLAKH LHSKGFLVFAGCLLKEQGDAGVRELDSLKSDRLRTIQLNVCNSEEVEKAVETVRSGLKDPEKGMWGLVNNAGIST FGEVEFTSMETYKEVAEVNLWGTVRTTKSFLPLLRRAKGRVVNISSMLGRMANPARSPYCITKFGVEAFSDCLRY EMHPLGVKVSVVEPGNFIAATSLYSPERIQAIAKKMWDELPEVVRKDYGKKYFDEKIAKMETYCNSGSTDTSSVI NAVTHALTAATPYTRYHPMDYYWWLRMQVMTHFPGAISDKIYIH

CDS:61..1038

SEQ ID NO:73 Human aldehyde reductase nucleotide sequence

accession: J04794

TTGGCCTCCCTTCCAGCTCTGCAGCTAATGAGGTCCTGCCACAACGGAAAGAGGGAGTTAATAAAGCCATTGGAG

SEQ ID NO:74 Human aldehyde reductase polypeptide sequence

protein id:gi178481

CATCCAT

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HUM223359

5 MAASCVLLHTGQKMPLIGLGTWKSEPGQVKAAVKYALSVGYRHIDCAAIYGNEPEIGEALKEDVGPGKAVPREEL FVTSKLWNTKHHPEDVEPALRKTLADLQLEYLDLYLMHWPYAFERGDNPFPKNADGTICYDSTHYKETWKALEAL VAKGLVQALGLSNFNSRQIDDILSVASVRPAVLQVECHPYLAQNELIAHCQARGLEVTAYSPLGSSDRAWRDPDE



gi|187558|gb|J02958.1|

CDS:195..4421

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SEQ ID NO:105 Mouse TRP-MET nucleic acid sequence

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CDS:1..4140

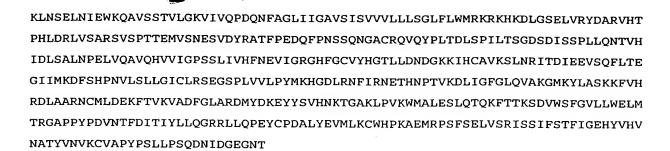
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SEQ ID NO:106 Mouse TRP-MET polypeptide sequence

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SEQ ID NO:107 Rat TRP-MET nucleic acid sequence

gi|13928699|ref|NM 031517.1|

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